



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

August 31, 2009

The Honorable Chester J. Culver
Governor
State Capitol
Des Moines, IA 50319

Re: Child Abuse Update

Dear Governor Culver:

As a result of our discussions regarding recent allegations of child abuse you have asked that I review the processes followed by the Department of Human Services (DHS) and recommend changes in process, if necessary, to protect the children of Iowa. I have done so and make this report to you of certain steps the Department is taking to enhance our child protection capabilities. I have also consulted the report on Iowa's child protective system by the National Resource on Child Protective Services. As you know, this report was very complimentary of the Iowa child safety system. Nevertheless, we should always look for opportunities to do better and, with that in mind, I will address three areas of concern.

1. Presence of Illegal Drugs (PIDs)

I have reviewed our child abuse intake and assessment process in cases where marijuana is present in the drug tests done on newborn infants. By law, the presence of any illegal drug, including marijuana, will result in a founded child abuse report. However, medical experts have advised us that unlike cases involving methamphetamine, cocaine, and other more potent illegal drugs, cases involving marijuana do not always indicate an imminent threat to the health or safety of the child. Therefore, while we will proceed with a thorough safety and risk assessment following the DHS assessment guide, a founded child abuse report will be filed. Such finding may result in a removal action or other Court filing depending upon other risk factors besides the presence of marijuana alone. Whether or not a removal or Court action is filed, DHS almost certainly will seek to engage the family in appropriate support services. I believe that this policy and practice is appropriate. Thus, I am not recommending any change in current practices in these types of cases.

In discussing current PIDs policies and practices with our eight Service Area Managers (SAMs) and other top DHS staff, it was agreed that additional training will be provided to DHS assessment case workers to insure uniform and complete use of existing assessment tools and the appropriate interaction between case workers and their supervisors. This process is now underway.

2. Medical Opinions

My review has revealed a concern in child abuse assessments where the medical opinions are inconsistent. Infrequently, we and our colleagues in law enforcement may encounter a situation where there is a conflict between the medical professionals as to the cause of an injury to a child. Sometimes, we are able to gather additional information or seek further advice through the Multi Disciplinary Team (MDT) process under Iowa Code sections 232.71B(10) and 235A.13. The MDT in Polk County includes a talented group of experienced law enforcement investigators, Assistant County Attorneys, medical child protection specialists and experienced DHS child protection workers. We do not have this same level of experience available in all parts of the state. When it is used, the MDT process works well, but we are not always able to assemble an MDT on short notice in order to review appropriate cases in as fast a manner as we would prefer.

In response to these issues, I am directing our staff to contract with a few child protection medical specialists who can be available to DHS and local law enforcement on an as needed basis in order to offer another medical opinion when that is necessary to resolve child abuse cases. To that end, I have directed staff to consult with a couple of the state's recognized child protection medical specialists and members of the Polk County MDT to explore this option, and to put in place a process to ensure that staff have access to necessary medical expertise in child abuse cases, especially in situations involving conflicting medical opinions.

3. Service of No Contact Orders

DHS case workers do not currently have the legal authority to serve No Contact Orders or Removal Orders issued by the Court. I do not believe that we should have that authority for legal, safety, and practice reasons. However, I am concerned that such orders issued for the protection of a child may not always be served expeditiously due to reasons outside of DHS control. Therefore, it may be appropriate to ask the legislature to require such orders be served by a law enforcement officer within a short period of time. However, before making such a proposal, I intend to discuss this matter with the Court, law enforcement, and County Attorneys.

The Department considers the protection of children as our highest priority. This will not change. Unfortunately, sometimes the best policies and practices and the proper implementation of such policies and practices will not prevent harm to a child. We must constantly strive to meet our obligation to provide a safe and nurturing environment for Iowa's children. As necessary, DHS will adjust its practices and policies to this end. I believe that the steps outlined above are an appropriate effort toward this goal.

I look forward to working with you to advance your priority of protecting Iowa's children.

Sincerely,

Charles J. Krogmeier
Director